

Senate Bill No. 846

Passed the Senate August 28, 2014

Secretary of the Senate

Passed the Assembly August 18, 2014

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 14201.2 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 846, Galgiani. Crimes: Violent Crime Information Center.

Existing law establishes the Attorney General as the chief law officer of the state, and grants the Attorney General specified law enforcement powers. Existing law requires the Attorney General to establish and maintain a Violent Crime Information Center to assist in the identification and apprehension of persons responsible for specific violent crimes and for the disappearance and exploitation of persons, particularly children and dependent adults. Existing law also requires the Attorney General to provide information on reports of missing persons to law enforcement agencies, as provided.

This bill would clarify that, notwithstanding any other law, a law enforcement agency is authorized to request a copy of information or data maintained by the Department of Justice relating to the Violent Crime Information Center. The bill would also provide related legislative findings and declarations.

This bill would, contingent upon the enactment of SB 1066 of the 2013–14 Regular Session, incorporate additional conforming changes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) According to a 2014 report by the National Center for Missing and Exploited Children entitled “The Identification of Unknown Child Remains: Analysis of 25 Years of Recoveries and Lessons Learned,” 68 percent of suspects in child abduction cases were known to the victim. Of those suspects known to the victim, 40 percent were family members and 60 percent were acquaintances.

(b) There is a high probability that unsolved missing and unidentified persons cases across local jurisdictions may be linked together.

(c) It is the intent of the Legislature to do all of the following:

(1) Enable law enforcement agencies to generate a more effective response in the identification, investigation, and adjudication of unsolved missing and unidentified persons cases.

(2) Enable the Attorney General to provide local law enforcement agencies with access to existing informational resources within the Department of Justice for the purpose of linking, and eventually resolving, unsolved missing and unidentified persons cases that were previously unknown to be related.

(3) Authorize local law enforcement agencies from all local jurisdictions within California to request existing information and data maintained by the Department of Justice, for the purpose of linking, and eventually resolving, unsolved missing and unidentified persons cases.

SEC. 2. Section 14201.2 is added to the Penal Code, to read:

14201.2. Notwithstanding any other law, a law enforcement agency may request a copy of information or data maintained by the Department of Justice pursuant to this title, for the purpose of linking an unsolved missing or unidentified person case with another case that was previously unknown to be related to that case, or for the purpose of resolving an unsolved missing or unidentified person case. This section does not supersede subdivision (b) of Section 14201 or subdivision (e) of Section 14203.

SEC. 2.5. Section 14201.2 is added to the Penal Code, to read:

14201.2. Notwithstanding any other law, a law enforcement agency may request a copy of information or data maintained by the Department of Justice pursuant to this title, for the purpose of linking an unsolved missing or unidentified person case with another case that was previously unknown to be related to that case, or for the purpose of resolving an unsolved missing or unidentified person case. This section does not supersede subdivision (b) of Section 14204 or subdivision (f) of Section 14205.

SEC. 3. Section 2.5 of this bill shall only become operative if both this bill and Senate Bill 1066 of the 2013–14 Regular Session

are enacted, both bills become operative on or before January 1, 2015, and Senate Bill 1066 renumbers Sections 14201 and 14203 of the Penal Code to Sections 14204 and 14205 of the Penal Code, respectively, in which case Section 2 of this bill shall not become operative.

Approved _____, 2014

Governor